

STATE BAR *of* TEXAS



ANNUAL REPORT 2018 - 2019

As Texas lawyers, we have been fortunate to practice in a self-regulated profession with an independent grievance system since the creation of the State Bar of Texas in 1939. The State Bar has undergone Sunset review four times since then, most recently in 2017 when the Texas Legislature continued us for 12 more years.

Through a mandatory bar, we can gather our collective might to advance and improve the legal profession as well as safeguard shared principles including protection of the public, adherence to the rule of law, and promotion of equal access to justice. In fact, it is the oath we take as lawyers, and the right to access to justice that we defend every day, that make our profession different from all others.



As of this writing, there are a number of lawsuits pending around the country challenging the mandatory bar, including one in Texas (see page 5). Yet U.S. Supreme Court precedent is clear: Mandatory membership in a state bar and payment of compulsory fees are constitutional because of the state's interest in regulating the legal profession and improving the quality of legal services.

All State Bar of Texas programs further the state's interests in regulating the legal profession or improving the quality of legal services. Through these activities, the State Bar protects the public, serves its members, and supports the administration of the legal system.

The structure of our State Bar has served Texas well for 80 years. We will continue to vigorously defend it, for the betterment of all Texans.

Sincerely,

A handwritten signature in black ink, appearing to read "Trey Apffel". The signature is fluid and cursive.

Trey Apffel
Executive Director
State Bar of Texas

STATE BAR OF TEXAS MISSION STATEMENT

The mission of the State Bar of Texas is to support the administration of the legal system, assure all citizens equal access to justice, foster high standards of ethical conduct for lawyers, enable its members to better serve their clients and the public, educate the public about the rule of law, and promote diversity in the administration of justice and the practice of law.



2018-2019 ACHIEVEMENTS

Austin solo Joe K. Longley made history in 2017 as the first petition candidate to win election as president-elect of the State Bar of Texas. During his term as president, Longley focused on issues such as access to justice and preserving lawyers' ability to govern their profession through the State Bar. As part of his initiatives, the bar served as a clearinghouse for listing training and volunteer opportunities for attorneys interested in helping with migrant asylum and family separation cases (see texasbar.com/volunteer).



State Bar of Texas President Joe K. Longley with American Bar Association President Hilarie Bass in June 2018.

Longley also stressed the need for continued fiscal responsibility, helping the bar to hold general fund expenditures under \$44 million for two years in a row without a reduction in programs or services. Further, the 2019-2020 budget included a contribution to reserves of approximately \$1.2 million (see texasbar.com/finances). The contribution increased the reserves to a level equal to three months' operating expenditures, which is in line with auditor recommendations.

The State Bar demonstrated its commitment to open government by seeking an independent transparency review. The review found the State Bar complied with all governing statutes, laws, and policies related to transparency. As a result of the review, the bar is implementing 10 recommended actions to make its policies and practices even more transparent for all Texans (see texasbar.com/weaverreport).

At the same time, the State Bar continued to expand its member benefits and services to better serve Texas lawyers (see texasbar.com/benefits). In June 2018, the bar launched the *State Bar of Texas Podcast* in partnership with Legal Talk Network featuring news and discussions relevant to legal professionals (see texasbar.com/podcast).



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WHAT WE DO

BUILDING YOUR PRACTICE

The State Bar of Texas offers tools to help attorneys grow their practices. One is the Lawyer Referral and Information Service, which connects clients in need of legal representation with attorneys who can help. LRIS makes referrals in the 246 Texas counties that do not have local referral programs and offers participating attorneys access to the largest potential client pool possible. Callers to the service are given a 30-minute consultation with a participating attorney for \$20, with the attorney charging regular fees afterward if retained. LRIS attorney-members receive 20 percent off TexasBarCLE products and services. The bar also offers the Texas Bar Career Center, which is an online portal for both employers and job seekers. Visit the Career Center to post open positions or search online for legal-related jobs. Every other week, State Bar of Texas members receive a Job Flash featuring the latest jobs posted to the Career Center.

COMMUNICATIONS

The bar keeps members informed in a variety of ways. Each month, excluding August, members receive the *Texas Bar Journal*, which includes information and in-depth stories on current legal topics, human interest features, disciplinary actions, technology, and more. It can also be viewed online at texasbar.com/tbj or via the digital edition at texasbar.com/digitaltbj. Members and the public can follow the bar on Facebook, Twitter, LinkedIn, and Instagram for timely announcements on lawyers in the news, reminders about their membership, links to special articles, and information about events. The Texas Bar Blog provides more information about special events, award recipients, *Bar Journal* summaries, and attorney profiles, while Texas Bar Today offers curated legal news and commentary by Texas lawyer-bloggers. Finally, the *State Bar of Texas Podcast* showcases interviews with experts on the latest legal trends and hot topics.

CONTINUING LEGAL EDUCATION

TexasBarCLE is one of the top providers of continuing legal education in the country and often sets the national standard for CLE content and delivery. During the 2018-2019 bar year, TexasBarCLE offered 141 webcasts, 927 online classes, 101 live courses, and 59 video replays. Most programs are filmed and archived for online

viewing, with more than 2,700 hours available as online classes. Also, more than 27,000 CLE articles are featured in the online library, including more than 2,300 ethics-related articles.

EDUCATING THE PUBLIC

The State Bar, the Texas Young Lawyers Association, and the bar's Law-Related Education Department publish, in print and online, dozens of handbooks and pamphlets in both English and Spanish on such topics as health issues, senior citizen issues, employment law, veterans rights, family law, school law, and consumer and tenants rights (see texasbar.com/resources). Law-Related Education holds teacher workshops and publishes educational materials about the law and civics for teachers and students. To learn more, go to texaslre.org.

EDUCATING YOUNG LAWYERS

In addition to providing continuing legal education for all lawyers, the bar plays an important role in educating young lawyers, helping them build a strong foundation for law practices. Programs include: After the Bar Exam, which offers links to more than 2,000 hours of CLE online classes and access to other helpful resources for students who have graduated from law school and are awaiting the results of the bar exam; Transition to Practice, a template mentoring program that is adaptable for bar associations of all sizes; and the Texas Young Lawyers Association's *Ten Minute Mentor*, a collection of 10-minute online videos of lawyers offering practical advice or tips on specific legal topics. Also, many State Bar sections offer free or discounted membership for first-year lawyers and law students. Sections often partner on law school seminars and mentoring programs. Finally, the State Bar of Texas Law Student Division provides an avenue for law students to connect to the bar before graduating—offering educational, networking, and scholarship opportunities.

ETHICS HELPLINE

The Ethics Helpline at 800-532-3947 is a free benefit to attorney-members of the State Bar of Texas. Ethics attorneys provide non-binding, non-confidential guidance to Texas-licensed attorneys on a first-come, first-served basis. Guidance is limited to questions involving the Texas Disciplinary Rules of Professional Conduct,

WHAT WE DO

Texas Rules of Disciplinary Procedure, and ethics opinions. Some caselaw and additional resources are also provided.

LEGAL SERVICES FOR ALL TEXANS

The State Bar of Texas is committed to ensuring that all Texans, regardless of income, have access to our courts. The State Bar's Legal Access Division offers many programs such as texaslegalanswers.org, a free, online legal advice clinic where low-income Texans can log on to get their civil legal questions answered by volunteer attorneys. The Legal Access Division also provides support to legal aid programs and pro bono attorneys by offering resources such as malpractice insurance, access to Westlaw, CLE, and language access services. It refers low-income Texans to local legal aid providers and works to expand the culture of pro bono in Texas. For more information, go to texasbar.com/probono and probonotexas.org.

LOCAL BAR SERVICES

The Local Bar Services Department fosters and maintains relationships between the State Bar and local bar associations, offering a number of support services. Each year, the Bar Leaders Conference offers education and networking for local bar executives, young lawyer affiliates, and other volunteer leaders. Outreach to local bars helps to fulfill one of the purposes outlined in the State Bar Act.

MEMBER BENEFITS

The State Bar of Texas Member Benefits Program offers numerous resources to help attorneys with the everyday practice of law. In the 2018-2019 bar year, 43 contracted benefits were offered through the State Bar Member Benefits Program. Goods and services include lawyer-specific products like practice management tools, financial services, travel discounts, car rentals, office supplies, health insurance through the Texas Bar Private Insurance Exchange, and professional liability insurance through TLIE. Learn more about the offerings at texasbar.com/benefits.

PROTECTING THE PUBLIC

The Client-Attorney Assistance Program answers the Grievance Information Helpline to assist clients in communicating with their Texas attorneys and to provide information about the grievance process and other programs and services of the State Bar of Texas. The Texas attorney discipline system is administered by the Office of Chief Disciplinary Counsel, whose work is overseen by the Commission for Lawyer Discipline. CDC represents the commission in disciplinary litigation. In the 2018-2019 bar year, the Ethics Helpline returned approximately 6,000 calls, and the State Bar disciplinary system issued a total of 414 sanctions, resolving 589 complaints. Also, the Client Security Fund assists clients whose lawyers improperly take funds belonging to the clients. Clients can apply to the fund after disciplinary proceedings are completed. Payouts are funded through an annual appropriation from the bar, interest on the corpus, and any restitution received. In the 2018-2019 bar year, 178 applications were reviewed, resulting in grants totaling more than \$664,000. For more information, go to texasbar.com/CAAP.

TEXAS LAWYERS' ASSISTANCE PROGRAM

The Texas Lawyers' Assistance Program helps lawyers, judges, and law students who are struggling with mental health or substance abuse concerns, chronic stress, or cognitive decline. In the 2018-2019 bar year, TLAP handled 652 consultations. All communication with TLAP is confidential by statute. For more information, go to tlaphelps.org.

TEXAS LAWYERS FOR TEXAS VETERANS

Texas Lawyers for Texas Veterans, a State Bar of Texas program to develop and assist pro bono legal advice clinics for military veterans and their families, continues to thrive, and more than 25 local bar associations are now participating. Since its inception in 2010, over 32,000 veterans have been served by more than 11,000 volunteer attorneys, paralegals, and law students. For more information, go to texasbar.com/veterans.

BY THE NUMBERS

The State Bar of Texas adopts a strategic plan every two years that includes goals and performance measures. The State Bar has identified six broad categories guiding these measures: 1) Service to the Public; 2) Service to Members; 3) Protection of the Public; 4) Access to Justice; 5) Sound Administration and Resources; and 6) Financial Management. The following are highlights of the results and outcomes for the 2018-2019 bar year. For a full list of results, go to texasbar.com/performance-measures-numbers.

SERVICE TO THE PUBLIC

Number of people who received a referral through the Lawyer Referral and Information Service:

64,627
CALLERS HELPED

71,499
REFERRALS MADE

Visits to pages on State Bar-related websites containing legal information on issues of importance to the public:

20,550,473
TOTAL HITS
TEXASBAR.COM

1,629
PAGE HITS
TEXASBAR.COM/MEDIA

33,838
PAGE HITS
TEXASBAR.COM/RESOURCES

SERVICE TO MEMBERS

TexasBarCLE

104,427

registrations obtained through **1,228** continuing legal education offerings



TEXAS LAWYERS' ASSISTANCE PROGRAM
Confidential. Respectful. Voluntary.

652
CONSULTATIONS

55% were related to mental health, 42% to substance abuse, and 3% to cognitive issues. TLAP's website—tlaphelps.org—garnered **16,427** page views. TLAP made **102** educational outreach presentations, including at law schools.

PROTECTION OF THE PUBLIC

= CAAP =
CLIENT-ATTORNEY ASSISTANCE PROGRAM

22,626

contacts received via mail, email, and phone to CAAP program. Communications between attorney and client successfully reestablished in **87%** of cases.

ATTORNEY DISCIPLINE (CDC)	
Total complaints resolved	589
Total sanctions	414
Disbarments	14
Resignations	17
Suspensions	152
Public reprimands	32
Private reprimands	124
Grievance Referral Program	75

ACCESS TO JUSTICE



\$1,391,066

The amount of voluntary ATJ contributions through dues statements from **9,908** attorneys

STATE BAR RESPONDS TO STRUCTURAL CHALLENGE

QUICK FACTS — MCDONALD ET AL V. SORRELS ET AL

- In March 2019, three Texas lawyers sued the State Bar of Texas claiming that under *Janus v. AFSCME* (2018), it is unconstitutional for an attorney to be required to join the State Bar of Texas in order to practice law. The plaintiffs also challenge bar programs that they claim exceed the bar’s “core regulatory functions.”
- The State Bar of Texas is vigorously defending its existing statutory structure, which was established by the Texas Legislature in aid of the Texas Supreme Court’s inherent authority to regulate the practice of law.
- Mandatory membership in a state bar and payment of compulsory fees are constitutional. Under U.S. Supreme Court precedent, the state has an interest in regulating the legal profession and improving the quality of legal services.
- All State Bar of Texas programs further the state’s interests in regulating the legal profession or improving the quality of legal services. Through these activities, the State Bar protects the public, serves its members, and supports the administration of the legal system.

TIMELINE

MARCH 6

Plaintiffs filed complaint

MARCH 25

Plaintiffs filed motion for preliminary injunction and motion for partial summary judgment on liability

APRIL 25 – MAY 17

Amicus briefs filed in support of plaintiffs:

Texas Attorney General Ken Paxton
Goldwater Institute

Amicus briefs filed in support of the State Bar:

Texas Legal Ethics Counsel
Former Presidents of the State Bar of Texas,
Former Chairs of the Texas Bar College,
and Former Chairs of the State Bar of Texas
Council of Chairs
Texas Access to Justice Commission

MAY 13

State Bar filed responsive briefs, cross-motion for summary judgment, and motion to dismiss for lack of subject-matter jurisdiction

MAY 23

Status conference held; court scheduled summary-judgment merits hearing for August 1. Plaintiffs agreed to pay their 2019-2020 State Bar dues.

MAY 31

Plaintiffs filed responses and replies

JUNE 18

State Bar filed reply in support of cross-motion for summary judgment

AUGUST 1

Summary-judgment merits hearing held; motion for preliminary injunction dismissed

AUGUST 30 & SEPTEMBER 4

State Bar filed notice of supplemental authority informing the court of the 8th Circuit’s favorable decision in *Fleck v. Wetch*, and plaintiffs filed response

STATE BAR OF TEXAS

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2018 - 2019

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